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## POLICY

The juvenile justice specialist must inform any youth who is subject to the Sex Offenders Registration Act of the obligation to register, verify registration when required, and make situational reports to the registering authority. The juvenile justice specialist must also inform each youth of the right to petition for removal from the sex offender registry. In cases where the juvenile justice specialist determines that a youth required to register has not been registered by the court, the juvenile justice specialist must seek clarification and obtain necessary registration documents from the court.

## PURPOSE

To ensure that the juvenile justice specialist assists each youth in fulfilling sex offender registration, verification and reporting obligations.

## PROCEDURE

JJ 300, Offense Class I-V, Sex Offender Registration, and DNA Profile Codes Exhibits VI-VIII, provides a list of tiered sex offenses and additional guidance on registration. Any youth registered prior to July 1, 2011, must continue to comply with the Sex Offenders Registration Act as amended.

Any youth convicted as an adult for a Tier I-III offense must be registered in accordance with MCL 28.722b(i).

## REGISTRATION

The court is required under law to register a youth as a sex offender for adjudication or conviction of certain offenses. Upon receipt of the case, the juvenile justice specialist must review the case to ensure that ordered registration is correctly documented. Case records must include:

- Signed copy of the MSP DD-004A, Explanation of Duties to Register as a Sex Offender.
- Signed copy of the MSP RI-004, Michigan Sex Offender Registration.

Send both forms to the address at the bottom of the RI-004. The case record may also contain copies of the MSP RI-004V Sex Offender Verification/Update if the youth has had to verify his or her registration.

Michigan State Police forms related to sex offenders can be found on their department web site at

[http://www.michigan.gov/msp/0,1607,7-123-1645\\_3500---,00.html](http://www.michigan.gov/msp/0,1607,7-123-1645_3500---,00.html)

In cases where the juvenile justice specialist cannot verify that registration has occurred as ordered by the court, the juvenile justice specialist must seek clarification and obtain necessary documents from the court.

## REGISTRATION REQUIREMENTS

Youth who were 14 years of age or older at the time of the offense and who were adjudicated for a Tier III offense must be registered unless the court grants a Romeo and Juliet exemption as described below.

Any youth convicted as an adult in circuit court must register in accordance with the adult registration rules in MCL 28.722b(i).

Any youth convicted in a designated proceeding in juvenile court must register in accordance with the adult registration rules in MCL 28.728(4)(a).

Juveniles may avoid the requirement to register for certain Tier III offenses if the court grants their petition seeking a Romeo and Juliet exemption.

## ROMEO AND JULIET EXEMPTION DETERMINATION

The granting of a Romeo and Juliet exemption must be decided by a court. The court may hold a post-conviction, pre-sentencing hearing, or a post-adjudication, pre-disposition hearing to make a determination regarding status.

The defendant must prove by a preponderance of the evidence that:

- The victim was between the ages of 13 and 16.
- The defendant or juvenile was not more than four years older than the victim.
- The sexual conduct was consensual.

The defendant may also assert status by proving by a preponderance of evidence that:

- The victim was 16 or 17 and was not under the custodial authority of the defendant at the time of the violation.
- The victim consented to the conduct. The rules of evidence, except those relating to privileges and the rape shield law (MCL 750.520j), do not apply at this proceeding.

The victim has the right to attend and be heard, to attend and be silent, or refuse to attend.

The court's decision is a final order, appealable by right to the Court of Appeals.

## **SEX OFFENDER VERIFICATION AND REPORTING REQUIREMENTS**

Sex offenders in the community and other than secure placements must comply with periodic verification and situational reporting requirements under state law. These requirements are explained on the Michigan State Police Sex Offender Verification/Update (MSP RI-004V). Verification will trigger the requirement to pay a \$50 annual sex offender registration fee.

## **IDENTIFICATION CARDS**

Any youth required to register as a sex offender must have a digitized driver's license or state identification card obtained from a Secretary of State office for identification. The address must match the current address listed on the registry.

When a youth is in a residential placement and does not have a state identification card, the juvenile justice specialist must provide the youth's certified birth record to the facility as needed to assist the youth in securing the state identification card. After the facility has assisted the youth with obtaining the card, the juvenile justice specialist must ensure the certified birth record is returned to the youth's local office case file. The original certified birth record must remain in the local office file until the case is closed.

For a youth in the community, the juvenile justice specialist must assist the youth in obtaining a state identification card; see JJ4 430, Community Placement.

The registering authority is the law enforcement agency or sheriff's office having jurisdiction over the offender's residence, place of employment, institution of higher learning, or the nearest Michigan State Police post. The registering authority is where the \$50 annual verification fee must be paid.

### **PETITION FOR REMOVAL FROM THE SEX OFFENDER REGISTRY**

A sex offender who is on the registry under any of the following circumstances may petition immediately for removal from the registry:

- Youth is seeking or is granted a Romeo and Juliet exemption.
- Youth was under 14 at the time of the offense and was adjudicated as a juvenile.
- Youth is on the registry for an offense that no longer requires registration (indecent exposure and offenses that are not Tier III offenses). See JJ3 300, Offense Class I-V, Sex Offender Registration and DNA Profile Codes.

The petition must be filed in the county of adjudication/conviction. If the offender was convicted in another state or territory, the petition must be filed in the youth's county of residence.

The prosecuting attorney must be served with the petition.

A false statement in a petition is perjury.

If the victim is known, the prosecuting attorney must notify the victim.

The victim has the right to attend any hearing and make a statement. Victims cannot be required to attend a hearing against their own will.

The juvenile justice specialist must inform the youth of the above information. Further information regarding the eligibility of a youth

filing a petition for exemption from the public registry should be obtained by the youth from the local court and the Sex Offenders Registration Act, MCL 28.728.

#### **PAYMENT METHOD FOR STATE IDENTIFICATION CARD**

If the youth or family is unable to pay for a driver's license or state identification card, the DHS-1583, Interagency Voucher Request, must be completed to bill the cost to DHS. The following codes must be used:

- TC-413.
- AGY-431.
- AY-last two digits of the fiscal year.
- Index-65340.
- PCA-47037.
- AOBJ-6155.

The juvenile justice specialist must submit a completed DHS-1583 to the Secretary of State office when requesting a state identification card or driver's license for a delinquent youth. The juvenile justice specialist must also file a copy in the case record.

#### **LEGAL BASIS**

Sex Offenders Registration Act, 1994 PA 295, as amended, MCL 28.721, et seq.